

The opinion in support of the decision being entered today was *not* written for publication in and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte G. ERIC ENGSTROM

Appeal 2006-2236
Application 09/817,837
Technology Center 3600

Decided: March 29, 2007

Before MURRIEL E. CRAWFORD, STUART S. LEVY, and ROBERT E.
NAPPI, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This appeal involves claims 45 to 68, the only claims pending in this application. Claims 1 to 44 have been cancelled. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

The claims are directed to a method of operation performed by a device.
Claim 45 is illustrative:

45. A method of operation, performed by a device, comprising:
receiving by the device, from a first server of a first service provider, a request for registration information for a user of the device, the registration information requested including one or more personality characteristics;
generating by the device, or the device causing a second server of a second service provider to provide, a personality profile to portray a desired persona, based at least in part on a service provided by the first service provider, the second service provider providing a personality service; and
transmitting by the device, or the device causing the second server to transmit, the personality profile to the first server to respond to the request.

The Examiner relies on the following prior art references to show unpatentability:

Jenkins	6,285,983 B1	Sep. 4, 2001
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The rejection as presented by the Examiner is as follows:

Claims 45 through 68 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jenkins.

ISSUE

The sole issue for our determination is whether Jenkins discloses a device which receives a request for registration information from a first service provider and generates a personality profile based in part on the service provided by the first service provider.

FINDINGS OF FACT

Appellant's invention is directed to a device 104 that receives requests for registration information from a first service provider 102. The registration information relates to a client 117 (specification p. 8). The device 104 generates a personality profile. The client can tailor the specific personality profiles based on the service provided. In this regard, the specification discloses:

... if a user would like to receive further advertisements and solicitations from the golf web site ... the user may choose to submit (i.e. during registration) a personality profile tailored to contain personality characteristics associated with golf [Specification p. 11-12]

In addition, the personality profile may portray an infinite number personalities or personas for a single user (Specification p. 10).

Jenkins discloses a system which includes a device 22 that receives data from a repository 15 which includes data sets 40 that includes data representing individual consumer's 10 buying habits, web browsing habits and household income (col. 4, ll. 53 to 58). The data preferably includes unique identifier information such as name, phone number, email address or any other suitable identifier (col. 4, ll. 51 to 54). This data is abstracted to create uniformly formatted individual records 52 (col. 4, ll. 58 to 61; Figure 1).

The device 22 does not generate personality profiles based on a service provided by a first service provider. Rather, device 22 collects and stores data on individual consumers. Such data is not based on a service provided.

The Jenkins system also includes a marketing server 24 which includes a consumer class database 60 comprised of the consumer class records 62 generated by market server 24 by abstracting the individual records 52 on device 22. The individual records are abstracted by removing identification information (col. 5, ll. 6 to 12). The marketers, 30 may create marketing profiles 72 in marketing profiles database for querying the class data file 60. Jenkins discloses that consumer behavior data is collected (col. 4, ll. 36) and that marketers develop marketing profiles describing a group of individuals with similar behavior characteristics (such as might indicate potential buyers of sports cars) (col. 3, lines 50-55). From the description of developing profiles based on behavior characteristics, we find

that Jenkins generates a personality profile for a group of users, based in part on cookie files on a customers computer (4, ll. 39-41. Jenkins additionally discloses that the marketing profiles, for example, may include mortgage refinance factors or likely pet bird purchase factors (col. 5, ll. 24 to 27).

While marketing profiles are created on the marketing server 24, Jenkins does not disclose that marketing server 24 receives a request for registration information from either device 22 or marketers 30. Rather, marketing server 24 receives individual records 52 from device 22 and provides access to its data base to marketers 30.

ANALYSIS

As Jenkins does not disclose a device that receives a request for registration information and generates a personality profile based on a service provided by a service provider, the subject matter of claims 45 to 68 is not disclosed in Jenkins.

As Jenkins does not disclose a device that generates a personality profile to portray a desired persona based on a service provided by a service provider, this subject matter that is recited in claims 45 to 51 is not disclosed in Jenkins.

CONCLUSION/ORDER

Appellants have shown that the examiner erred in holding that Jenkins discloses a device that receives a request for registration information and generates a personality profile based on the service provided by a service provider.

The decision of the examiner is reversed.

REVERSED

JRG

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